

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:06CR119
Plaintiff,)	
)	
vs.)	ORDER
)	
LEONEL GARCIA-PADILLA,)	
MARTIN GONZALEZ-MORENO and)	
SERGIO DE LA O-CEGUEDA,)	
)	
Defendants.)	

This matter is before the court on the motion to continue by defendant Leonel Garcia-Padilla (Garcia-Padilla) (Filing No. 53). Garcia-Padilla seeks a continuance of the trial of this matter which is scheduled for August 28, 2006. Garcia-Padilla's counsel represents that counsel for the government has no objection to the motion. Garcia-Padilla's counsel represents that Garcia-Padilla will submit an affidavit in accordance with paragraph 9 of the progression order whereby Garcia-Padilla consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted. Trial will be continued as to all defendants.

IT IS ORDERED:

1. Garcia-Padilla's motion to continue trial (Filing No. 53) is granted.
2. Trial of this matter **as to all defendants** is re-scheduled for **October 2, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 21, 2006 and October 2, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 21st day of August, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge